

Exhibit E

IN THE _____ JUDICIAL DISTRICT COURT
EL PASO COUNTY COURT AT LAW NUMBER _____,
EL PASO COUNTY, TEXAS

RUBEN CONTRERAS

Plaintiff,

VS.

**FOSTER ELECTRIC (U.S.A.), INC.,
FOSTER ELECTRIC AMERICA, and JOSE
RANGEL**

Defendants.























Cause No. 2021-DCV

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES RUBEN CONTRERAS (hereinafter referred to as "Plaintiff"), complaining of FOSTER ELECTRIC (U.S.A), INC. (hereinafter referred to as "Defendant F.E. USA."), FOSTER ELECTRIC AMERICA (hereinafter referred to as "Defendant F.E. AMERICA"), and JOSE RANGEL (hereinafter referred to as "Defendant RANGEL"), for a cause of action would respectfully show the Court and/or Jury as follows:

I. DISCOVERY LEVEL

Pursuant to Rule 190, Plaintiff requests discovery in this case be conducted in Level III.

II. PARTIES

Plaintiff is a resident of El Paso County, Texas. The last three numbers of Plaintiff's social security number are 425.

Defendant FOSTER ELECTRIC (F.E.USA), INC. is an Illinois Corporation doing business in El Paso County, Texas and may be served with process by serving its registered agent,

CT CORPORATION SYSTEM, or any other authorized officer or agent therein at 1999 Bryan St. Ste. 900 Dallas, Texas 75201 and/or wherever may be found.

Defendant FOSTER ELECTRIC AMERICA is an Illinois Corporation doing business in El Paso County, Texas and may be served with process by serving its registered agent, CT CORPORATION SYSTEM, or any other authorized officer or agent therein at 1999 Bryan St. Ste. 900 Dallas, Texas 75201 and/or wherever may be found.

Defendant JOSE RANGEL is a resident of El Paso, Texas and may be served with process by serving him at 1216 Don Haskins Dr. El Paso, TX 79936, and/or wherever he may be found.

III. FACTS

On or about February 15, 2021 Plaintiff was on the premises owned and operated by Defendants located at 1216 Don Haskins, El Paso, Texas, 79936 when he slipped and fell due to a dangerous condition on the premises that created an unavoidable risk of harm. Specifically, Defendants negligently left ice on the loading dock that had not been cleared and there was no warning provided to Plaintiff. Plaintiff received injuries to his back, head, and other parts of his body. Consequently, Plaintiff was an invitee to whom Defendant owed a duty to use reasonable care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions on the premises and/or to warn of their existence.

IV. PREMISES LIABILITY

While upon Defendants' premises, Plaintiff suffered bodily injuries as a direct result of the fall proximately caused by a dangerous condition, which Defendants knew, or in the exercise of ordinary care, should have known existed.

Plaintiff further alleges that Defendants, its agents, servants and employees negligently caused and/or negligently permitted such condition to exist and/or negligently failed to warn

Plaintiff of the condition of the premises, despite the fact that Defendants, their agents, servants and employees knew, or in the exercise of ordinary care, should have known of the existence of the condition and that there was a likelihood of someone being injured as happened to Plaintiff.

V. NEGLIGENCE OF DEFENDANTS

On the occasion in question, Defendants are negligent in one or more of the following alternative claims of negligence:

1. In failing to inspect the premises in order to discover the unreasonable risk of harm;
2. In failing to correct the unreasonable risk of harm;
3. In failing to warn visitors, invitees and licensees, including Plaintiff, that a dangerous condition existed which required extra care to be taken by them when entering or exiting the area when Defendants knew or should have known that the area in question was an unreasonable risk of harm;
4. In failing to establish and enforce safety rules and regulations;
5. Failing to supervise employees in regular inspection of the area in question;
6. Failing to teach and educate its employees on the maintenance of the area in question;
7. Failing to clear ice on the loading dock;
8. Failing to warn patrons of the dangers of the icy conditions in question; and
9. Other acts of negligence.

One or more of the foregoing negligent acts and omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages which are described below.

VI. DAMAGES

As a direct result of the occurrence, Plaintiff suffered bodily injuries. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, attention and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff and the charges made and to be made were the usual and customary charges for such services. Plaintiff will require further medical care and attention and will necessarily incur reasonable expenses in the future for such medical needs. Plaintiff has suffered pain and suffering

in the past. Plaintiff will continue to suffer pain and suffering in the future. Plaintiff has suffered mental pain and anguish in the past. Plaintiff will continue to suffer mental pain and anguish in the future. As a result of the occurrence, Plaintiff has suffered impairment in the past and will continue to suffer impairment to his body in the future. Plaintiff has suffered disfigurement. Plaintiff has suffered damages within the jurisdictional limits of this Court. Pursuant to T.R.C.P. 47, Plaintiff is required to plead the maximum amount of damages sought, however, some damages are unliquidated and cannot be easily calculated in monetary terms. In addition, discovery has not yet begun and the extent of Plaintiff's future damages are still being determined. At this early stage of the proceedings, Plaintiff request the jury be fair and reasonable in its determination of actual damages in an amount over \$1,000,000.00.

VII. TRIAL EVIDENCE

Plaintiff hereby notifies Defendants that Plaintiff intends to use Defendants' discovery responses, including any evidence produced in response to such discovery, as evidence in trial in accordance with such right and privileges established by Tex. R. Civ. P. 193.7.

VIII. JURY REQUEST

Plaintiff respectfully requests trial by jury of these issues in this case.

IX. RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests Defendants to be cited to appear and answer, and the upon final trial, Plaintiff have judgment against Defendants for all costs, pre-judgment and post judgment interest, and for such other and further relief, general and special, at law or equity, to which Plaintiff is justly entitled.

Respectfully submitted,

SCHERR & LEGATE, PLLC.

Attorney for Plaintiff

109 North Oregon, 12th Floor

El Paso, Texas 79901

(915) 544-0100 (Voice)

(915) 532-1759 (Facsimile)

TJoudi@ScherrLegate.com

/s/ Tiffany N. Joudi

TIFFANY N. JOUDI

State Bar No. 24065479

IN THE 205th JUDICIAL DISTRICT COURT
EL PASO COUNTY, TEXAS

RUBEN CONTRERAS

Plaintiff,

vs.

FOSTER ELECTRIC (U.S.A.), INC.,
FOSTER ELECTRIC AMERICA, and JOSE
RANGEL

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Cause No. 2021-DCV-1388

JURY REQUEST

On this the 28th day of April 2021, the Plaintiff having demanded a jury, it is hereby ordered that the above styled and numbered cause be placed upon the jury docket on payment of the jury fee herein.

Respectfully submitted,

SCHERR LEGATE, PLLC.
Attorneys for Plaintiff
109 North Oregon, 12th Floor
El Paso, Texas 79901
TJoudi@scherrlegate.com
(915) 544-0100
(915) 532-1759 (Facsimile)

/s/ Tiffany N. Joudi

TIFFANY N. JOUDI
State Bar No. 24065479

THE STATE OF TEXAS

1:28PM

Norma Favela Barceleau

District Clerk

El Paso County, Texas

Cables, Veronica

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **FOSTER ELECTRIC (F.E.U.S.A), INC.**, which may be served with process **by serving its registered agent, CT CORPORATION SYSTEM, at 1999 BRYAN ST, STE 900, DALLAS, TX 75201** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **205th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 27th day of April, 2021 by Attorney at Law, TIFFANY NICOLE JOUDI, 109 NORTH OREGON 12TH FLOOR EL PASO TX 79901, in this case numbered **2021DCV1388** on the docket of said court, and styled:

**RUBEN CONTRERAS
VS
FOSTER ELECTRIC (U.S.A), INC., FOSTER ELECTRIC AMERICA, AND JOSE RANGEL**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition and Jury Request** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 3rd day of May, 2021.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: Veronica Cables, Deputy
Veronica Cables

Rule 106: "-the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition and Jury Request**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	____.M.	
							From Court House

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING ____ copy ____ \$ _____ Sheriff
_____ County, Texas

Total _____ \$ _____ by _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____,
_____ on the _____ day of _____,
20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent
_____ County, Texas
By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

1:28PM

Norma Favela Barceleau

District Clerk

El Paso County, Texas

Cables, Veronica

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **FOSTER ELECTRIC AMERICA**, which may be served with process **by serving its registered agent, CT CORPORATION SYSTEM, at 1999 BRYAN ST, STE 900, DALLAS, TX 75201** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **205th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 27th day of April, 2021 by Attorney at Law, TIFFANY NICOLE JOUDI, 109 NORTH OREGON 12TH FLOOR EL PASO TX 79901, in this case numbered **2021DCV1388** on the docket of said court, and styled:

**RUBEN CONTRERAS
VS
FOSTER ELECTRIC (U.S.A), INC., FOSTER ELECTRIC AMERICA, AND JOSE RANGEL**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition and Jury Request** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 3rd day of May, 2021.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: Veronica Cables, Deputy
Veronica Cables

Rule 106: "-the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition and Jury Request**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	____.M.	
							From Court House

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING ____ copy ____ \$ _____ Sheriff
_____ County, Texas

Total _____ \$ _____ by _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____,
_____ on the _____ day of _____,
20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent
_____ County, Texas
By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

Norma Favela Barceleau

District Clerk

El Paso County, Texas

Cables, Veronica

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **JOSE RANGEL**, who may be served with process at **1216 DON HASKINS DR., EL PASO, TX 79936** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **205th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on the 27th day of April, 2021 by Attorney at Law, TIFFANY NICOLE JOUDI, 109 NORTH OREGON 12TH FLOOR EL PASO TX 79901, in this case numbered **2021DCV1388** on the docket of said court, and styled:

**RUBEN CONTRERAS
VS
FOSTER ELECTRIC (U.S.A), INC., FOSTER ELECTRIC AMERICA, AND JOSE RANGEL**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition and Jury Request** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on the 3rd day of May, 2021.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: Veronica Cables, Deputy
Veronica Cables

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition and Jury Request**, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance
	MONTH	DAY	YEAR	Hour	Min.	____.M.	
							From Court House

And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING ____ copy ____ \$ _____ Sheriff
_____ County, Texas

Total _____ \$ _____ by _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____,
_____ on the _____ day of _____,
20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent
_____ County, Texas
By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS